

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PIERCE ROBERTSON, RACHEL GOLD,
SANFORD GOLD, RAHIL SAYED,
CHRISTOPHER EHRENTAUT, TODD
MANGANIELLO, DAN NEWSOM,
WILLIAM AYER, ANTHONY DORN,
DAMECO GATES, MARSHALL PETERS,
and EDWIN GARRISON, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

MARK CUBAN and DALLAS
BASKETBALL LIMITED d/b/a DALLAS
MAVERICKS,
Defendants.

Case No. 23-mc-24

(Case No. 22-cv-22538-RKA)

(U.S. District Court for the Southern District
of Florida)

March 8, 2023

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/6/2023

NOTICE OF WITHDRAWAL OF MOTION

Based on the developments set forth below, in particular Respondents' decision to withdraw their subpoena following the filing of this action, Movant Sullivan & Cromwell LLP, by and through its undersigned counsel, hereby withdraws its *Motion to Quash Subpoena or for a Protective Order* (ECF No. 7), without prejudice to refiling the motion if future circumstances so warrant.

S&C initiated this action on January 27, 2023, seeking to quash a subpoena served on S&C by Respondents on December 29, 2022, in connection with the action captioned *Robertson v. Cuban*, No. 22-cv-22538 (S.D. Fla. filed Aug. 10, 2022). (ECF Nos. 7–8.) Respondents, plaintiffs in the *Robertson* action, failed to respond to S&C's motion by the deadline of February 6, 2023 prescribed by Local Civil Rule 6.1(a). Instead, on February 27, 2023—three weeks after

that deadline had passed—Respondents withdrew the subpoena, while purporting to reserve the right to “issue a new subpoena, if necessary, at a later time.” (Ex. A.)

In light of Respondents’ withdrawal of the subpoena, S&C now withdraws its motion. However, S&C reserves the right to refile the motion if Respondents renew their efforts to seek information from S&C through this subpoena or any other discovery request. S&C further reserves the right to seek sanctions against Respondents, including but not limited to the fees and expenses that S&C has incurred to date in connection with the subpoena.

Dated: March 8, 2023

Respectfully submitted,
/s/ Stephen Ehrenberg

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Stephen Ehrenberg
Beth D. Newton
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*Counsel for Movant Sullivan &
Cromwell LLP*

Exhibit A

From: Brooke Alexander <balexander@BSFLLP.com>
Sent: Monday, February 27, 2023 12:44 PM
To: Newton, Beth D.; Glueckstein, Brian D.; Ehrenberg, Stephen; Devlin, Michael P.; Shehada, Emile
Cc: Adam Moskowitz; David Boies; Alex Boies; Joseph Kaye
Subject: [EXTERNAL] Norris v. Ortiz and Robertson v. Cuban Subpoenas

Counsel:

We write regarding the subpoenas served on Sullivan & Cromwell in the following actions: *Norris v. Brady*, 2022-022900-CA-01/23-cv-20439-CMA, and *Garrison v. Bankman-Fried*, 22-cv-23753-KMM. With this email, we hereby withdraw those subpoenas. The plaintiffs will issue a new subpoena, if necessary, at a later time. Please advise if you require anything from us in connection with the withdrawal of your motions to quash.

Sincerely,
Brooke

Brooke A. Alexander
Partner

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Begin forwarded message:

From: "Newton, Beth D." <newtonb@sullcrom.com>
Date: January 25, 2023 at 6:19:39 PM EST
To: Adam Moskowitz <Adam@moskowitz-law.com>
Cc: "Glueckstein, Brian D." <gluecksteinb@sullcrom.com>, "Ehrenberg, Stephen" <EhrenbergS@sullcrom.com>, "Devlin, Michael P." <devlinm@sullcrom.com>, "Shehada, Emile" <shehadae@sullcrom.com>
Subject: Norris v. Ortiz and Robertson v. Cuban Subpoenas

Mr. Moskowitz,

In addition to my colleague's prior objections to the subpoenas served by your clients on non-party Sullivan & Cromwell in the above-referenced actions, attached are formal responses and objections to each subpoena. For the avoidance of any doubt, **Sullivan & Cromwell continues to object to the subpoenas and will not be proffering a representative to testify at any deposition this week.**

We reserve all rights to seek relief in connection with the subpoenas in New York court.

Best,

Beth D. Newton
Sullivan & Cromwell LLP
125 Broad Street
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Tel: (212) 558-4483
Fax: (212) 291-9955

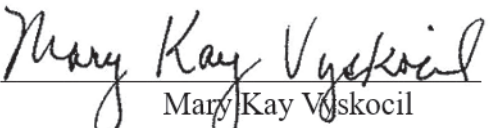
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****This is an external message from: balexander@bsflp.com ****

This motion to withdraw [ECF No. 10] the movants' earlier-filed motion to quash [ECF No. 7] is GRANTED. The Clerk of Court respectfully is requested to terminate the motions at docket entries 7 and 10 and to close this case.

Date: April 6, 2023
New York, New York


Mary Kay Vyskocil
United States District Judge